



Application to Transfer a Mineral Tenement

Instructions and Checklist

The *Mining Act 1971* and associated regulations and determinations set out the requirements for submitting an application to transfer a Mineral Tenement (including Mining Leases, Retention Leases, Miscellaneous Purpose Licences, Exploration Licences and Private Mines).

The first requirement is the submission of a Form 13. Additional information is needed in support of an application, as detailed in the following checklist. This will assist Tenement Holders in submitting a valid application for transfer, which will see their applications processed efficiently.

Requirements

- A Fully Completed Form 13, including:**
 - Mineral Tenement number(s) and details;
 - Full name(s), business address(es) and percentage share of the current Tenement Holder(s) transferring an interest in the tenement(s);
 - The interest in the Mineral Tenement(s) being transferred;
 - The proposed transferee(s) and their full name(s), business address and contact information;
 - A nominated contact for the transferee and transferor; and
 - A completed declaration and signature(s).

- A copy of the dealing that seeks to transfer or assign the tenement.**

- A statement of the technical, operational and financial capabilities and resources available to the purchaser for the purpose of carrying out operations under the relevant mineral tenement.**

It is recommended that applicants review the specific requirements in the following guidelines and consider this information in preparing their statement:

 - For Exploration Licences, refer to guideline [MG33](#).
 - For metallic and industrial minerals, refer to guideline [MG2b](#).
 - For extractive minerals, refer to guideline [MG38](#).
 - For Private Mines, refer to guideline [MG12](#).

For metallic and industrial minerals, a bond review may be undertaken prior to the transfer. Applicants should be aware that the capability to provide a bond will be considered by the department in the assessment of the transfer. The provision of a bond will be required at transfer. In most instances, a bond will be required before works are undertaken, and applicants should be aware that the capability to provide a bond or financial reassurance will be considered by the department.



- A statement by the purchaser or a related body corporate outlining any contravention of, or failure to comply with, a provision of a corresponding law or designated Act in connection with authorised operations carried out by them within the preceding period of 5 years that resulted in—**
 - the revocation or suspension of an authority to carry out authorised operations; or
 - a prosecution for an offence; or
 - the imposition of a penalty by a court; or
 - the issuing of a notice, direction or order that required the suspension or discontinuance of any authorised operations or the rectification of any harm to the environment or the rehabilitation of any land, place or other aspect of the environment.

A compliance report.

A compliance report must be submitted which relates to the period between the last reporting period and the date of the application.

- For Exploration Licences, refer to [Terms of Reference 012](#) and [MG22](#).
- For other tenements, the form of the report, and the information required is outlined in the relevant [Terms of Reference 009](#) and guideline [MG3](#). Where the tenement(s) being transferred are reported jointly with other tenements, the report should be specific to the tenement(s) being transferred.

A full compliance report may not be required in certain instances, such as where the holder of an exploration licence has limited its on ground operations to those conducted in accordance with the generic Program for Environmental Protection and Rehabilitation (PEPR). Tenement holders who believe they meet these criteria should contact DEM to confirm their requirements prior to submitting an application.

IF the tenement will be held subject to a trust, a copy of the trust instrument.

IF the tenement being transferred is an Exploration Licence, a statement:

- nominating the principal mineral or minerals that the purchaser is seeking under the exploration licence and the exploration model that the purchaser intends to employ for the purposes of exploring for that mineral or those minerals; and
- outlining whether the purchaser or a related body corporate has, within the preceding period of 3 months, held an exploration licence (or an interest in an exploration licence) in relation to any area in respect of which the area of the application relates. (Refer to guideline [MG33](#) for specific requirements).



Process

If an application is lodged without all the necessary information, the applicant may be asked to complete the application consistent with this instruction sheet. Alternatively, the application may be rejected if there are serious deficiencies. Applications may also be rejected if the information is not provided within one month of a request.

On receipt of a completed and valid application for transfer, an assessment will be conducted by the Department. It is anticipated the application will be assessed within three months of a valid application being submitted. As stated on the form, the responsibility for the tenement(s) remains with the transferor until Ministerial Consent (under delegation) is given and the transfer is registered on the Mining Register. This includes compliance with reporting obligations and payment of monies due to the Crown.

For further information on the process or these requirements, please contact DEM.Tenements@sa.gov.au.

¹ Corresponding law means an Act of another State or a Territory that contains provisions that substantially correspond with the *Mining Act 1971*

¹ Designated Act (as defined in the Mining Regulations 2020) means—

- (a) the Aboriginal Heritage Act 1988; or
- (b) the Aboriginal Lands Trust Act 2013; or
- (c) the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981; or
- (d) the Environment Protection Act 1993; or
- (e) the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth; or
- (f) the Landscape South Australia Act 2019; or
- (g) the Maralinga Tjarutja Land Rights Act 1984; or
- (h) the National Parks and Wildlife Act 1972; or
- (i) the Native Title Act 1993 of the Commonwealth; or
- (j) the Native Vegetation Act 1991; or
- (k) the Offshore Minerals Act 2000; or
- (l) the Planning, Development and Infrastructure Act 2016; or
- (m) the Radiation Protection and Control Act 1982; or
- (n) the Work Health and Safety Act 2012; or
- (o) an Act of another State or a Territory that contains provisions that substantially correspond with an Act set out in paragraphs (a) to (n) (inclusive).